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Attorneys for Debtor  
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In Re:

**Marianne McElroy and  
Robert M. McElroy,**

Debtors.

UNITED STATES BANKRUPTCY  
FOR THE DISTRICT OF NEW JERSEY  
TRENTON VICINAGE

Chapter 13

Case No. 19-22958 (CMG)

**HEARING DATE: June 1, 2022 @ 10am**

**CERTIFICATION IN RESPONSE TO THE STANDING TRUSTEE'S OBJECTION TO  
CONFIRMAITON OF PROPOSED SECOND MODIFIED CHAPTER 13 PLAN**

I, Jaclynn N. McDonnell, Esq. certifies as follows:

1. I am an associate of Norgaard, O'Boyle & Hannon, counsel to the Debtors in the above-referenced matter. I write this certification in response to the Objection to Confirmation filed by the Standing Trustee to the confirmation of the Second Modified Chapter 13 Plan.

2. The Debtors should not be required to file amended schedules I & J or provide proof that their income has changed to support confirmation of the Second Modified Plan, as the proposed modified plan does not reduce or increase the monthly plan payment. At Part 9 of the Second Modified Plan, the appropriate box was checked stating that no schedules I & J were being filed.

3. The Debtors did not intend the First Modified Plan to mandate 100% to unsecured creditors when they filed it in November 2021. They filed the First Modified Plan in connection with the First Mortgagee's agreement to modify the loan and remove prepetition arrears from the

Plan. The First Modified Plan provided for distributions to administrative claims and the Second Mortgagee, and at Part 5 it provided for a “pro-rated distribution from any remaining funds” to unsecured claimants. If the First Mortgagee asserted no claim for arrears, it appeared that the remaining funds would be sufficient to provide for full repayment of all unsecured claimants who had filed timely proofs of claims.

4. However, in March 2022, the First Mortgagee filed an amended proof of claim, adding fees and costs that were not addressed in the loan modification. This required the Debtors to propose the Second Modified Plan, which provides for the repayment of the arrears asserted by the First Mortgagee and reduces the amount of the fund available for payment of unsecured claimants.

5. A copy of the 2021 Tax Return has been requested from the Debtors and upon our receipt of same a copy will be uploaded to Bankruptcy Documents website accordingly.

I certify that the foregoing statements are true. I am aware that if the foregoing statements are willfully false, I am subject to punishment.

NORGAARD, O'BOYLE & HANNON  
*Attorneys for the Debtors*

Dated: May 27, 2022

By: /s/ Jaclynn N. McDonnell, Esq.  
Jaclynn N. McDonnell, Esq.